

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:21-cr-00193

ROBERT LEE MORRIS

RESPONSE OF THE UNITED STATES OF AMERICA
TO DEFENDANT'S MOTION FOR BOND STYLED
"NOTICE OF PROPOSED LIVING SITUATION"

Comes now the United States of America, by Joshua C. Hanks, Assistant United States Attorney, and hereby responds in opposition to Defendant ROBERT LEE MORRIS' motion for bond, styled "Notice of Proposed Living Situation" filed October 21, 2021 (ECF No. 36).

On October 7, 2021, the Court convened an arraignment and detention hearing in the above-styled case. The United States had previously filed a motion to detain Defendant invoking the rebuttable presumption for detention pursuant to 18 U.S.C. § 3142(e) inasmuch as Defendant was charged with a controlled substance offense punishable by more than 10 years' imprisonment. Counsel for Defendant requested time to submit proposed conditions of release as an alternative to detention. The Court held the detention motion in abeyance pending receipt of Defendant's proposal.

On October 21, 2021, Defendant submitted a "Notice of Proposed Living Situation" in which he seeks to be released to one of two residences. The first is the residence of Kelsey Webster in Marietta, Ohio. The other is his parents' residence in Williamstown, West Virginia. According to the proposal, both residences are equipped with a landline telephone.

As alleged in the indictment, Defendant's charges arise from two incidents. The first, Count One of the indictment, occurred on February 8, 2021 and involved his distribution of more than 500 grams of methamphetamine - a crime punishable by 10 years to life imprisonment. As the Court is aware from earlier proceedings, Defendant was not arrested following this incident. Rather, he was interviewed by law enforcement and was encouraged to retain counsel. Defendant retained the firm of Lowther | Walker of Atlanta, Georgia who, along with local counsel Sean Cook, represent him in the instant case.

Despite his interaction with police beginning in February 2021, and having secured counsel, Defendant was the subject of a traffic stop on August 28, 2021 during which he was found to be in possession of a distribution quantity of methamphetamine and a loaded pistol (See Pretrial Service Report at 4). This conduct gave rise to Count Two of the indictment.

According to the Pretrial Services Report, Defendant has a felony conviction from March 2000 of two counts of breaking and entering. He was sentenced to a youthful offender program and probation (successfully completed in August 2002). He was charged with domestic battery in 2004 (dismissed) and has been the subject of three emergency protection orders.

In this case, the rebuttable presumption of detention applies, and simply identifying a place to live does not rebut that presumption. In light of his limited criminal history, it may have been reasonable to consider releasing Defendant on bond had he been charged in February 2021. However, in the months between February and August, Defendant's conduct became more serious as is evident from his possession of a loaded firearm during and in relation to his offense. The increased seriousness of the conduct occurred despite the intervention of police and defense counsel. In February Defendant was an admitted drug dealer. Six months later he had become an armed drug dealer. Consequently, he poses a danger to the community and should be detained.

CONCLUSION

For the reasons set forth herein, Defendant should remain detained pending further proceedings in this case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "RESPONSE OF THE UNITED STATES OF AMERICA TO DEFENDANT'S MOTION FOR BOND STYLED 'NOTICE OF PROPOSED LIVING SITUATION'" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this 28th day of October, 2021 to:

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